

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TINA RAMIREZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:20-cv-01276-NONE-SAB

ORDER VACATING FINDINGS AND
RECOMMENDATIONS AND GRANTING
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS AND DIRECTING CLERK OF
COURT TO ISSUE SUMMONS

(ECF Nos. 2, 4, 6)

Tina Ramirez (“Plaintiff”) filed a complaint on September 9, 2020, along with an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. On September 9, 2020, findings and recommendations were filed recommending that Plaintiff’s application be denied. (ECF No. 4.) On October 2, 2020, the district judge ordered Plaintiff to file a long form application. (ECF No. 5.) Plaintiff filed a long form application on October 14, 2020. (ECF No. 6.) Upon review of Plaintiff’s application, it is inconsistent with the prior application filed on September 9, 2020, as it includes different amounts for income and fails to include an amount for food stamps. However, reviewing the two applications together, the Court finds that they demonstrate entitlement to proceed without prepayment of fees. Therefore, the September 9, 2020 findings and recommendations shall be vacated.

Plaintiff is hereby directed to paragraph 1 of the scheduling order to be issued in this action, which directs that the summons and complaint shall be served **within 20 days of the**

1 **filing of the complaint.** Plaintiff shall promptly file proof of service with the Court upon
2 completion of service.

3 Accordingly, IT IS HEREBY ORDERED THAT:

- 4 1. The September 9, 2020 findings and recommendations (ECF No. 4) is
5 VACATED;
- 6 2. Plaintiff's application to proceed *in forma pauperis* (ECF Nos. 2, 4) is
7 GRANTED;
- 8 3. The Clerk of Court is DIRECTED to issue a summons; and
- 9 4. The United States Marshal is DIRECTED to serve a copy of the complaint,
10 summons, and this order upon the defendant if requested by the plaintiff.

11 IT IS SO ORDERED.

12 Dated: October 21, 2020

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14 UNITED STATES MAGISTRATE JUDGE